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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/046,694 | 01/17/2002 | Akira Date | 500.37453CX4 | 5824 |
| 20457 | 7590 | 07/17/2006 | EXAMINER | |
| ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873 | | | TEKLE, DANIEL T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2633 | |

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/046,694 | | DATE ET AL. | |
| | Examiner | | Art Unit | |
| | Daniel Tekle | | 2633 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/369,401.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 01/06/05, 07/03/03, 06/20/02, 01/17/02. | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what the claims encompass from “means” claimed.

The means for selecting first still picture management information, second still picture management, third still picture management information and forth still picture management information is not clear. The “means” for selecting is not defined, the scope of the claim limitation is not specify in specification or the claim; and a person of ordinary skill in the art cannot determine what the applicant intended. Also the term “substantially” in the claim is not defined clearly. There is also no clarification in the disclosure to this term. The sequence of recording in still picture with or without audio cannot be determine. Therefore the metes and bounds of the claim cannot be determined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 rejected under 35 U.S.C. 102(b) as being anticipated by Hirayama et al. (US 5652824).

Regarding claim 1, the claim drawn to a recording apparatus for recording one or more still pictures and still picture group management for managing one or more still picture as still picture group on to a storage medium comprising; a memory storing and means for recording still picture group management information in to storage medium; means, when still picture with no audio recorded, for selecting **first still picture management information** on still picture with no audio to be reproduced in synchronism with the reproduction of still picture, **selecting second still picture management information** when original audio and still picture recorded, and recording first or second still picture management information in the same order recording corresponding still picture;

means for, when a post-recorded audio to be reproduced in synchronism with the reproduction of the still picture is recorded to the still picture already recorded in the storage medium, if the still picture already recorded has no original audio, replacing **first still picture management information** with the **third still picture management**

information with only post-recorded audio added to the still picture already recorded, if still picture already recorded has the original audio, replacing **second still picture management information** by **fourth still picture management** information on a still picture with both of the original audio and a post-recorded audio added to the still picture already recorded.

Ando et al. teaches a recording apparatus for recording one or more still pictures and still picture group management for managing one or more still picture as still picture group on to a storage medium (**column 1 line 9-15**) comprising;
a memory storing and means for recording still picture group management information in to storage medium; When still picture with no audio recorded, for selecting first still picture management information on still picture with no audio to be reproduced in synchronism with the reproduction of still picture, selecting second still picture management information when original audio and still picture recorded, and recording first or second still picture management information in the same order recording corresponding still picture;
Means for, when a post-recorded audio to be reproduced in synchronism with the reproduction of the still picture is recorded to the still picture already recorded in the storage medium, if the still picture already recorded has no original audio, replacing first still picture management information with the third still picture management information with only post-recorded audio added to the still picture already recorded, if still picture already recorded has the original audio, replacing second still picture management

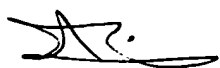
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information by fourth still picture management information on a still picture with both of the original audio and a post-recorded audio added to the still picture already recorded **(column 6 line 16-67 and column 7 line 1-6).**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Tekle whose telephone number is 571-270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other F..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shanon Foley can be reached on 571-272-0898. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Daniel Tekle
Patent Examiner



Shanon Foley
Patent Examiner Supervisory